United Nations S/2011/268

Security Council

Distr.: General
27 April 2011

Original: English

France, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution

The Security Council,

Recalling and *reaffirming* all its previous resolutions on Western Sahara,

Reaffirming its strong support for the efforts of the Secretary-General and his Personal Envoy to implement resolutions 1754 (2007), 1783 (2007), 1813 (2008), 1871 (2009) and 1920 (2010),

Reaffirming its commitment to assist the parties to achieve a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and *noting* the role and responsibilities of the parties in this respect,

Reiterating its call upon the parties and States of the region to cooperate more fully with the United Nations and with each other and to strengthen their involvement to end the current impasse and to achieve progress towards a political solution,

Welcoming the efforts of the Secretary-General to keep all peacekeeping operations, including MINURSO, under close review and reiterating the need for the Council to pursue a rigorous, strategic approach to peacekeeping deployments,

Expressing serious concern about the increase in violations of existing agreements and *calling on* the parties to respect their relevant obligations,

Taking note of the Moroccan proposal presented on 11 April 2007 to the Secretary-General and welcoming serious and credible Moroccan efforts to move the process forward towards resolution; also *taking note* of the Polisario Front proposal presented 10 April 2007 to the Secretary-General,

Inviting in this context the parties to demonstrate further political will towards a solution including by expanding upon their discussion of each other's proposals,

Taking note of the four rounds of negotiations held under the auspices of the Secretary-General, and the continued rounds of informal talks in Manhasset (United States), and Mellieha (Malta), and *welcoming* the progress made by the parties to enter into direct negotiations,

Welcoming the parties' agreement to explore innovative negotiating approaches and discrete subjects,

Stressing the importance of improving the human rights situation in Western Sahara and the Tindouf camps, and encouraging the parties to work with the international community to develop and implement independent and credible measures to ensure full respect for human rights, bearing in mind their relevant obligations under international law,

Welcoming the establishment of a National Council on Human Rights in Morocco and the proposed component regarding Western Sahara, and the commitment of Morocco to ensure unqualified and unimpeded access to all Special Procedures of the United Nations Human Rights Council,

Also welcoming the implementation of the enhanced refugee protection program developed by the Office of the United Nations High Commissioner for Refugees in coordination with the Polisario Front, which will include human rights training and awareness initiatives,

Requesting UNHCR to maintain its consideration of a refugee registration in the Tindouf refugee camps,

Welcoming the agreement of the parties expressed in the Communiqué of the Personal Envoy of the Secretary-General for Western Sahara of 18 March 2008 and looking forward to the inauguration of family visits by land and the continuation of the existing programme by air, and encouraging the parties to cooperate with the United Nations High Commissioner for Refugees in implementing their agreement,

Welcoming the commitment of the parties to continue the process of negotiations through the United Nations-sponsored talks,

Recognizing that the consolidation of the status quo is not acceptable in the long term, and *noting further* that progress in the negotiations is essential in order to improve the quality of life of the people of Western Sahara in all its aspects,

Affirming support for the Secretary-General's Personal Envoy for Western Sahara Ambassador Christopher Ross, and his work in facilitating negotiations between the parties also *welcoming* his ongoing consultations with the parties and neighbouring states,

Affirming support for the Special Representative of the Secretary-General for Western Sahara and Head of MINURSO Hany Abdel-aziz,

Having considered the report of the Secretary-General of 15 April 2011 (S/2011/249),

1. *Reaffirms* the need for full respect of the military agreements reached with the United Nations Mission for the Referendum in Western Sahara (MINURSO) with regard to the ceasefire and *calls* on the parties to adhere fully to those agreements;

2. *Calls on* all parties to cooperate fully with the operations of MINURSO and to ensure the security of as well as unhindered and immediate access for the United Nations and associated personnel in carrying out their mandate, in conformity with existing agreements;

3. *Welcomes* the parties' commitment to continue the process of holding small, informal talks in preparation for a fifth round of negotiations, and recalls its endorsement of the recommendation in the report of 14 April 2008 (S/2008/251) that

realism and a spirit of compromise by the parties are essential to achieve progress in negotiations;

4. *Calls* upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations, thus ensuring implementation of resolutions 1754 (2007), 1783 (2007), 1813 (2008), 1871 (2009) and 1920 (2010) and the success of negotiations, inter alia, by devoting attention to the ideas in paragraph 120 of the Secretary-General's report (S/2011/249);

5. *Affirms* its strong support for the commitment of the Secretary-General and his Personal Envoy towards a solution to the question of Western Sahara in this context and welcomes the intensified pace of meetings and contacts;

6. *Calls* upon the parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments, with a view to achieving a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect;

7. *Invites* Member States to lend appropriate assistance to these talks;

8. *Requests* the Secretary-General to keep the Security Council informed on a regular basis, and at least twice a year, on the status and progress of these negotiations under his auspices and express its intention to meet to receive and discuss his report;

9. *Requests* the Secretary-General to provide a report on the situation in Western Sahara well before the end of the mandate period;

10. *Welcomes* the commitment of the parties and the neighbouring states to hold periodic meetings with the Office of the High Commissioner for Refugees to review and, where possible, expand confidence-building measures;

11. *Urges* Member States to provide voluntary contributions to fund confidence-building measures that allow for increased contact between separated family members, especially family visits, as well as for other confidence-building measures that may be agreed upon between parties;

12. *Requests* the Secretary-General in his next report to examine the existing challenges to MINURSO's operations, reflecting on the situation on the ground;

13. *Decides* to extend the mandate of MINURSO until 30 April 2012;

14. *Requests* the Secretary-General to continue to take the necessary measures to ensure full compliance in MINURSO with the United Nations zero-tolerance policy on sexual exploitation and abuse and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action including predeployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;

15. *Decides* to remain seized of the matter.